

With regard to the rejection of claims 1-26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 5 of Acharya in view of Bigo, Applicants assert that such claims recite elements of the present invention that are not described or suggested by the combination of these references.

Independent claim 3 of Acharya recites a method for scheduling the servicing of job requests in a point-to-point communication system. Dependent claim 5 of Acharya recites the storing of job requests in a queue corresponding to the local channel server, and the determining of an adaptive schedule for servicing the job requests in the queue.

Bigo discloses an interrupt program that stops the execution of a main program in order to give control to a high priority program. At the end of the interrupt program, the main program restarts execution from the breakpoint.

Independent claim 1 recites a method for scheduling responses in a point-to-point communication system. A plurality of job requests are received at a central server. An adaptive schedule is determined for transmitting data responsive to the job requests. When the servicing of a first job request is interrupted, an unserviced portion of the data is returned from a channel server to the central server, and the unserviced portion is serviced via a second channel. A second job request is then serviced via the first channel in accordance with an updated schedule.

While Acharya recites a method for scheduling the servicing of job requests, and Bigo discloses an interrupt signal which stops the execution of the main program, the proposed combination fails to disclose that when a first job request on a first channel is interrupted, an unserviced portion of the data is subsequently serviced via a second channel. This allows the second job request to be serviced via the first channel in accordance with an updated schedule.

Applicants assert that claims 2-26 are patentable for at least the reasons identified above with regard to independent claim 1. Accordingly, withdrawal of the double patenting rejection of claims 1-26 is respectfully requested.

With regard to the rejection of claims 1-4, 18, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Sinibaldi in view of Bigo, Applicants submit herewith a declaration under 37 C.F.R. §1.131. The declaration is signed by the inventors named on the present application. The declaration and the exhibit attached thereto evidence the conception of an invention falling within independent claims 1, 25 and 26 at least as early as August 10, 1998, and thus prior to the March 11,

1999 effective date of Sinibaldi. The declaration further evidences an actual reduction to practice at least as early as December 10, 1998, prior to the March 11, 1999 effective date of Sinibaldi. Applicants therefore respectfully request that the §103(a) rejection over Sinibaldi in view of Bigo be withdrawn.

In view of the above, Applicants believe that claims 1-26 are in condition for allowance, and respectfully request withdrawal of the double patenting and §103(a) rejections.

Respectfully submitted,



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Encl: Declaration of Prior Invention Under 37 C.F.R. §1.131 (Acharya and Sundaram);
Declaration of Prior Invention Under 37 C.F.R. §1.131 (Muthukrishnan); and
Exhibit 1